IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 371 of 2005

Between:

Ch. Rama Rao S/o Subbaiah
R/o Ammanabrolu Naguluppalapadu Mandal, Prakasam District

..... PETITIONER

AND

1 The General Manager, Telecom district, Mahabubnagar District
2 The Communication Accounts Officer, O/o the Controller of

Communication Accounts, Telecom, A.P. Circle, Hyderabad
3 The Accounts Officer (CA) BSNL., O/o G.M.T.D. Mahabubnagar,

Mahabubnagar District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of mandamus directing the respondents herein to pay pension and terminal benefits by declaring the inaction as illegal, arbitrary and violative of rights guaranteed under Article 21 and 300-A of the Constitution of India.

Counsel for the Petitioner:MR.V.MALLIK

Counsel for the Respondent Nos.1 to 3: MR. Y.RAVINDRA

The Court at the admission stage made the following Order:

This writ petition is filed to declare the action of the respondents in not paying the pension and terminal benefits to the petitioner as illegal and arbitrary.

As references were received from various Circles seeking clarifications on different points, the same were examined and clarified through proceedings dated 14.02.2003 by the Bharat Sanchar Nigam Limited (BSNL). In this writ petition, the issue raised is with regard to fixation of pay i.e.,

> "There are cases of officials who have got promotion prior to 01.10.2000 and have opted for pay fixation in the promotion post from the date of their next increment in the lower post as per the provisions of FR.22. which fall on a date after 01.10.2000. In such cases, it is presumed that from 01.10.2000, the pay is to be drawn in the BSNL IDA pay scale corresponding to the fixation made in the CDA pay scale as per option, pay is to be first fixed on the BSNL IDA pay scale corresponding to the CDA pay scale of lower post, allow the increment in that scale and then fix the pay in the BSNL, IDA pay scale of the promotional post under FR.22(1) a(i) please confirm."

The above point was clarified by the respondents holding that individual cases of such type with details will be furnished for examination at Corporate Office.

It is for the Corporate Office to take appropriate decision basing on the details furnished by the respondents. Whether the petitioner is entitled to pay fixation in the promotional post from the date of his next increment under Fundamental Rule 22(1) a(i) or not is required to be considered by the respondents. Hence, respondents are directed to take appropriate decision and release the pension and terminal benefits to the petitioner within a period of two months from the date of receipt of a copy of this order. Before passing any order of refixing the pay of the petitioner, an opportunity should be given to the petitioner to put forward his case and the same shall be considered in accordance with the rules.

The writ petition is accordingly disposed of at the stage of admission. No costs.

20.01.2005

usd

To

1 The General Manager, Telecom district, Mahabubnagar District
2 The Communication Accounts Officer, O/o the Controller of

Communication Accounts, Telecom, A.P. Circle, Hyderabad
3 The Accounts Officer (CA) BSNL., O/o G.M.T.D. Mahabubnagar,

Mahabubnagar District

4. Two CD copies.